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REFERENCE TITLE: **in-state tuition; spouses**

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

SB 1196

Introduced by
Senator Gray

AN ACT

**AMENDING SECTION 15-1802, ARIZONA REVISED STATUTES; RELATING TO POSTSECONDARY
EDUCATION ADMISSIONS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-1802, Arizona Revised Statutes, is amended to
3 read:

4 15-1802. In-state student status

5 A. Except as otherwise provided in this article no person having a
6 domicile elsewhere than in this state is eligible for classification as an
7 in-state student for tuition purposes.

8 B. A person is not entitled to classification as an in-state student
9 until the person is domiciled in this state for one year, except that a
10 person whose domicile is in this state is entitled to classification as an
11 in-state student if the person meets one of the following requirements:

12 1. The person's parent's domicile is in this state and the parent is
13 entitled to claim the person as an exemption for state and federal tax
14 purposes.

15 2. The person is an employee of an employer ~~which~~ THAT transferred the
16 person to this state for employment purposes or the person is the spouse of
17 such AN employee.

18 3. The person is an employee of a school district in this state and is
19 under contract to teach on a full-time basis, ~~or~~ or is employed as a full-time
20 noncertified classroom aide, ~~at~~ at a school within that school district. For
21 THE purposes of this paragraph, the person is eligible for classification as
22 an in-state student only for courses necessary to complete the requirements
23 for certification by the state board of education to teach in a school
24 district in this state. No member of the person's family is eligible for
25 classification as an in-state student if the person is eligible for
26 classification as an in-state student pursuant to this paragraph, ~~UNLESS THE~~
27 ~~FAMILY MEMBER IS OTHERWISE ELIGIBLE FOR CLASSIFICATION AS AN IN-STATE STUDENT~~
28 ~~PURSUANT TO THIS SECTION.~~

29 4. THE PERSON'S SPOUSE IS DOMICILED IN THIS STATE AND THE SPOUSE IS
30 ENTITLED TO CLAIM THE PERSON AS AN EXEMPTION FOR STATE AND FEDERAL INCOME TAX
31 PURPOSES.

32 C. The domicile of an unemancipated person is that of ~~such~~ THE
33 person's parent.

34 D. Any unemancipated person who remains in this state when ~~such~~ THE
35 person's parent, who had been domiciled in this state, removes from this
36 state is entitled to classification as an in-state student until attainment
37 of the degree for which currently enrolled, as long as ~~such~~ THE person
38 maintains continuous attendance.

39 E. A person who is a member of the armed forces of the United States
40 and who is stationed in this state pursuant to military orders or who is the
41 spouse or a dependent child as defined in section 43-1001 of a person who is
42 a member of the armed forces of the United States and who is stationed in
43 this state pursuant to military orders is entitled to classification as an
44 in-state student. The student, while in continuous attendance toward the
45 degree for which currently enrolled, does not lose in-state student
46 classification.

F. A person who is a member of the armed forces of the United States or the spouse or a dependent as defined in section 43-1001 of a member of the armed forces of the United States is entitled to classification as an in-state student if the member of the armed forces has claimed this state as the person's state of legal residence for at least twelve consecutive months before the member of the armed forces, spouse or dependent enrolls in a university under the jurisdiction of the Arizona board of regents or a community college under the jurisdiction of a community college district governing board. For THE purposes of this subsection, the requirement that a person be domiciled in this state for one year before enrollment to qualify for in-state student classification does not apply.

G. A person who is honorably discharged from the armed forces of the United States shall be granted immediate classification as an in-state student on honorable discharge from the armed forces and, while in continuous attendance toward the degree for which currently enrolled, does not lose in-state student classification if the person has met all of the following requirements:

1. Declared Arizona as the person's legal residence with the person's branch of service at least one year prior to discharge from the armed forces.

2. Demonstrated objective evidence of intent to be a resident of Arizona which, for the purposes of this section, includes at least one of the following:

- (a) An Arizona driver license.
- (b) Arizona motor vehicle registration.
- (c) Employment history in Arizona.
- (d) Arizona voter registration.
- (e) Transfer of major banking services to Arizona.
- (f) Change of permanent address on all pertinent records.
- (g) Other materials of whatever kind or source relevant to domicile or residency status.

3. Filed an Arizona income tax return with the department of revenue during the previous tax year.

H. A person who is a member of an Indian tribe recognized by the United States department of the interior whose reservation land lies in this state and extends into another state and who is a resident of the reservation is entitled to classification as an in-state student.